

Michigan Office of Administrative Hearings and Rules

Administrative Rules Division (ARD)

611 W. Ottawa Street

Lansing, MI 48909

Phone: 517-335-8658 Fax: 517-335-9512

**REGULATORY IMPACT STATEMENT
and COST-BENEFIT ANALYSIS (RIS)**

Agency Information:

Department name:

Licensing and Regulatory Affairs

Bureau name:

Bureau of Professional Licensing

Name of person filling out RIS:

Dena Marks

Phone number of person filling out RIS:

517-335-3679

E-mail of person filling out RIS:

MarksD1@michigan.gov

Rule Set Information:

ARD assigned rule set number:

2020-6 LR

Title of proposed rule set:

Landscape Architects -- General Rules

Comparison of Rule(s) to Federal/State/Association Standard:

1. Compare the proposed rules to parallel federal rules or standards set by a state or national licensing agency or accreditation association, if any exist.

Each state establishes its own requirements with respect to the regulation of this profession, so there are no federal rules or standards set by a national or state agency that the proposed rules can be compared to.

A. Are these rules required by state law or federal mandate?

The department is required to promulgate rules necessary and appropriate to enable it to fulfill its role pursuant to MCL 339.205. MCL 339.2203 requires the director, with the assistance of the ad hoc committee, to adopt rules regarding continuing education and continuing competency courses, providing for exceptions to licensure in extraordinary cases, and establishing sanction recommendations.

B. If these rules exceed a federal standard, please identify the federal standard or citation, describe why it is necessary that the proposed rules exceed the federal standard or law, and specify the costs and benefits arising out of the deviation.

The proposed rules do not exceed a federal standard.

2. Compare the proposed rules to standards in similarly situated states, based on geographic location, topography, natural resources, commonalities, or economic similarities.

The proposed rules are consistent with the standards required in the Michigan Occupational Code, and the rules are largely consistent with the requirements in other Great Lakes region states that regulate the profession. With the exception of Illinois, all states in the Great Lakes region license or register landscape architects.

A. If the rules exceed standards in those states, please explain why and specify the costs and benefits arising out of the deviation.

The education and experience requirements for licensure or registration and continuing education for landscape architects differ from state to state. Overall, the standards in the proposed rules do not exceed those of the other states in the Great Lakes region that license or register landscape architects.

3. Identify any laws, rules, and other legal requirements that may duplicate, overlap, or conflict with the proposed rules.

There are no other laws, rules, or other legal requirements that may duplicate, overlap, or conflict with these proposed rules.

A. Explain how the rules have been coordinated, to the extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter. This section should include a discussion of the efforts undertaken by the agency to avoid or minimize duplication.

No coordination is needed because there are no other applicable laws that regulate the areas addressed in the proposed rules.

4. If MCL 24.232(8) applies and the proposed rules are more stringent than the applicable federally mandated standard, a statement of specific facts that establish the clear and convincing need to adopt the more stringent rules and an explanation of the exceptional circumstances that necessitate the more stringent standards is required.

MCL 24.232(8) does not apply.

5. If MCL 24.232(9) applies and the proposed rules are more stringent than the applicable federal standard, either the statute that specifically authorizes the more stringent rules or a statement of the specific facts that establish the clear and convincing need to adopt the more stringent rules and an explanation of the exceptional circumstances that necessitate the more stringent standards is required.

MCL 24.232(9) does not apply.

6. Identify the behavior and frequency of behavior that the proposed rules are designed to alter.

Part 1 General Provisions: The proposed rule in this part provides definitions for terms used in the rule set. The proposed rule will ensure that a reader understands the rules leading to assist in compliance.

Part 2 Education and Examination: The proposed rules in this part identify the approved educational programs and examination. The proposed rules adopt by reference the accreditation standards of the Landscape Architectural Accreditation Board and the Landscape Architecture Accreditation Council. The rule pertaining to the required examination has been revised and reorganized from R 339.19025 into this part for clarity and to reflect the ad hoc committee's recommendation that only the Landscape Architect Registration Examination (LARE) be approved by the department. The proposed rules will assist an applicant in identifying the educational programs and examination approved by the department, as recommended by the ad hoc committee.

Part 3 Licensure: This part is new and the proposed rules establish the requirements for initial licensure, licensure by reciprocity, and relicensure. The current rules address only registration. The proposed new rules will assist an applicant to understand and comply with the requirements for licensure, licensure by reciprocity, and relicensure. The rules also reflect the ad hoc committee's recommendation that an applicant be required to provide documentation to demonstrate that he or she has established a Council of Landscape Architects Registration Boards (CLARB) Council Record. The CLARB Council Record requirement ensures that the applicant has demonstrated a minimum level of competence to safely practice as a landscape architect. The proposed rules will assist an applicant in identifying the requirements for licensure.

Part 4 License Renewal, Continuing Education, Sanctions for Failure to Complete Continuing Education: This part is new and the proposed rules establish continuing education requirements for license renewal, identify approved continuing education providers and activities, and establish sanctions if a licensee fails to comply with the continuing education requirement for renewal. The proposed rules will assist a renewal applicant in identifying and accumulating approved continuing education credits, which are required by MCL 339.2205. There is no board for this profession, so the proposed rule pertaining to sanctions for failure to complete the required continuing education will assist both the department and the licensee to reach resolution of a case based on the licensee's failure to satisfy this requirement. MCL 339.2203 permits rules to establishment sanction recommendations for certain violations.

Part 5 Seal Requirements: This part of the rule set provides requirements pertaining to the licensee's seal, pursuant to MCL 339.2210. The proposed rules will update the seal requirements.

A. Estimate the change in the frequency of the targeted behavior expected from the proposed rules.

Part 1 General Provisions: The proposed rule in this part provides definitions for terms used in the rule set for better reader understanding. It is estimated that reader understanding of the rules will be increased as a result of providing the new rule.

Part 2 Education and Examination: The proposed rules in this part identify the approved education programs and examination for licensure. The prior rules contained outdated information and have been reorganized for clarity. The frequency of the targeted behavior will not increase, but the proposed rules will provide greater clarity and up-to-date information.

Part 3 Licensure: The proposed rules in this part establish the requirements for initial licensure, licensure by reciprocity, and relicensure. It is expected that each applicant seeking licensure will be impacted by the new rules, but the frequency of use is not expected to change.

Part 4 License Renewal, Continuing Education, Sanctions for Failure to Complete Continuing Education: The proposed rules in this part pertain to continuing education requirements for license renewal, identify approved continuing education providers and activities, and establish sanctions if a licensee fails to comply with the continuing education required for license renewal. Currently, this profession has no continuing education rules. It is expected that the each licensee will now accumulate the required, approved continuing education credits.

Part 5 Seal Requirements: The rules in this part provide up-to-date requirements pertaining to the licensee's seal. The updated information in the rule is not expected to increase the frequency of the targeted behavior.

B. Describe the difference between current behavior/practice and desired behavior/practice.

Part 1 General Provisions: The proposed rule in this part provides definitions for terms used in the rule set for better reader understanding. Currently, there are no definitions provided in the rules. The proposed rules will assist the reader in understanding and complying with the rules.

Part 2 Education and Examination: The proposed rules in this part identify the approved education programs and examination for licensure. The prior rules contained outdated information and have been reorganized for clarity. The proposed rules will assist an applicant in determining if his or her educational program is approved and in identifying the examination he or she must take for licensure.

Part 3 Licensure: This part is new and the proposed rules establish the requirements for initial licensure, licensure by reciprocity, and relicensure. The proposed rules will assist an applicant for licensure in meeting the requirements.

Part 4 License Renewal, Continuing Education, Sanctions for Failure to Complete Continuing Education: This part is new and the proposed rules pertain to the continuing education requirements for license renewal, identify approved continuing education, and establish sanctions if a licensee fails to comply with the continuing education required for license renewal. Currently, this profession has no continuing education rules. The proposed rules will assist a licensee in accumulating approved continuing education credits required for license renewal.

Part 5 Seal Requirements: This part of the rule set provides up-to-date requirements for the licensee's seal. The updated information in the rule will assist a licensee in complying with all seal requirements.

C. What is the desired outcome?

Part 1 General Provisions: The proposed rule will provide definitions for terms used in the rule set for better reader understanding. The desired outcome is better reader understanding of the rules.

Part 2 Education and Examination: The proposed rules in this part identify the approved educational programs and the examination required for licensure. The desired outcome is to assist an applicant in determining if his or her educational program is approved and to identify the examination he or she must take for licensure.

Part 3 Licensure: This part is new and the proposed rules establish the requirements for initial licensure, licensure by reciprocity, and relicensure. The desired outcome is to assist an applicant for licensure in meeting the requirements.

Part 4 License Renewal, Continuing Education, Sanctions for Failure to Complete Continuing Education: This part is new and the proposed rules pertain to the continuing education requirement for license renewal, identify approved continuing education, and provide for sanctions if a licensee fails to comply with the continuing education required for license renewal. The proposed rules will assist a licensee in accumulating approved continuing education credits required for license renewal.

Part 5 Seal Requirements: This part of the rule set provides up-to-date requirements for the licensee's seal. The updated information in the rule will assist a licensee in complying with all seal requirements.

7. Identify the harm resulting from the behavior that the proposed rules are designed to alter and the likelihood that the harm will occur in the absence of the rule.

Part 1 General Provisions: This part is new and the proposed rule provides definitions for terms used in the rule set for better reader understanding. Currently, there are no definitions provided in the rules. The potential harm without the proposed rule is reader misunderstanding of some terms used in the rule set.

Part 2 Education and Examination: This part is new and the proposed rules in this part identify the approved educational programs and the examination required for licensure. The potential harm without the rules is that the licensee's education or examination may not satisfy the requirements for licensure.

Part 3 Licensure: This part is new and the proposed rules will establish the requirements for initial licensure, licensure by reciprocity, and relicensure. The potential harm without these rules is that the applicant may fail to comply with the necessary requirements to be licensed or relicensed.

Part 4 License Renewal, Continuing Education, Sanctions for Failure to Complete Continuing Education: This part is new and the proposed rules pertain to the continuing education required for license renewal, identify approved continuing education, and provide sanctions if a licensee fails to comply with the continuing education required for license renewal. The potential harm without the rules is that the licensee does not have the information necessary to accumulate continuing education credits as required by MCL 339.2205.

Part 5 Seal Requirements: This part of the rule set provides up-to-date requirements for the licensee's seal. The potential harm is that out-of-date information in the current rules could lead to noncompliance with the statute.

A. What is the rationale for changing the rules instead of leaving them as currently written?

Part 1 General Provisions: The definitions cannot be provided without a rule change.

Part 2 Education and Examination: Updating the information regarding approved educational programs and the required examination cannot be achieved without a rule change.

Part 3 Licensure: Providing the requirements for licensure, licensure by endorsement, and relicensure cannot be achieved without changing the current rules. The current rules only pertain to registration.

Part 4 License Renewal, Continuing Education, Sanctions for Failure to Complete Continuing Education: The current rules do not provide the requirements for continuing education, identify approved continuing education program, or provide for sanctions for failure to complete the required continuing education credits. The amendment is necessary to provide licensees with the continuing education requirements to establish sanctions if a licensee fails to comply.

Part 5 Seal Requirements: The current rule is out-of-date and lacks clarity regarding the requirements for a seal. Updating and clarification cannot be completed without changing the rule.

8. Describe how the proposed rules protect the health, safety, and welfare of Michigan citizens while promoting a regulatory environment in Michigan that is the least burdensome alternative for those required to comply.

Part 1 General Provisions: The proposed rules will assist a reader in understanding the meaning of the terms used in the rule set. This will protect the health, safety, and welfare of Michigan citizens by ensuring that an applicant or licensee understands the requirements to assist in compliance.

Part 2 Education and Examination: The rules in this part protect the health, safety, and welfare of Michigan citizens by ensuring that an applicant has the appropriate education and training to pass the nationally recognized examination, LARE, and to practice as a landscape architect. There is no less burdensome way to ensure that a licensee is competent to practice.

Part 3 Licensure: In the proposed rules, new rules will be added to set forth the requirements for licensure, licensure by endorsement, and relicensure. These proposed changes will protect the health, safety, and welfare of Michigan citizens by ensuring that an applicant has demonstrated that he or she has satisfied all the training, experience, and examination requirements to ensure that he or she can competently provide services to the public.

Part 4 License Renewal, Continuing Education, Sanctions for Failure to Complete Continuing Education: The proposed rules will assist the licensee in identifying and complying with all continuing education requirements for license renewal. The health, safety, and welfare of Michigan citizens will be protected by ensuring that the licensee stays up-to-date with his or her training.

Part 5 Seal Requirements: The current rule will clarify the seal requirements and will protect the health, safety, and welfare of Michigan citizens by ensuring that the person performing the work is licensed and identifiable. The seal is required by MCL 339.2210.

9. Describe any rules in the affected rule set that are obsolete or unnecessary and can be rescinded.

R 330.19023 will be rescinded for clarity and reorganization. The content of the rule will be amended and relocated to the licensure by examination rule, R 339.19008. R 339.19025 will be rescinded for clarity and reorganization. The content of the rule will be amended and relocated to R 339.19006.

10. Please provide the fiscal impact on the agency (an estimate of the cost of rule imposition or potential savings for the agency promulgating the rule).

The proposed rules are not expected to have a fiscal impact on the agency.

11. Describe whether or not an agency appropriation has been made or a funding source provided for any expenditures associated with the proposed rules.

No agency appropriation has been made or a funding source provided because there are no expenditures associated with the proposed rules.

12. Describe how the proposed rules are necessary and suitable to accomplish their purpose, in relationship to the burden(s) the rules place on individuals. Burdens may include fiscal or administrative burdens, or duplicative acts.

Part 1 General Provisions: The proposed rules will assist a reader in understanding the terms used in the rule set. The proposed rules do not place any burden on an individual.

Part 2 Education and Examination: There is no new cost imposed by the proposed rules in this part. The examination required in R 339.19006 was one previously required for registration in R 339.19025. The LARE is nationally recognized and is required for licensure by most states in the Great Lakes region and was recommended by the ad hoc committee members. Passage of the LARE ensures that the applicant can demonstrate the minimum level of competence to safely practice as a landscape architect. The cost to take the 4-part LARE is \$1,870.00.

Part 3 Licensure: The proposed rules require an applicant to establish a CLARB Council Record. The fee to establish this record is \$160.00. This record is required by many states in the Great Lakes region. The CLARB Council Record requirement ensures that the applicant has demonstrated a minimum level of competence to safely practice as a landscape architect. This requirement was recommended by the ad hoc committee members.

Part 4 License Renewal, Continuing Education, Sanctions for Failure to Complete Continuing Education: The proposed rules add the statutorily required continuing education for license renewal. The cost to accumulate continuing education varies, depending on the activities the licensee chooses. There is no less burdensome way to ensure that the licensee remains up-to-date in his or her knowledge and skills.

Part 5 Seal Requirement: The proposed rules clarify the seal requirements. The proposed rules do not place any new burden on an individual.

A. Despite the identified burden(s), identify how the requirements in the rules are still needed and reasonable compared to the burdens.

The burdens imposed by the proposed rules are necessary to ensure that an applicant for licensure has the appropriate training, can demonstrate a minimum level of competence, and remains up-to-date in his or her knowledge and training. There is no less burdensome way to ensure the health, safety, and welfare of Michigan citizens.

13. Estimate any increase or decrease in revenues to other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Estimate the cost increases or reductions for other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Include the cost of equipment, supplies, labor, and increased administrative costs in both the initial imposition of the rule and any ongoing monitoring.

There are no anticipated increases or reductions for other state or local governmental units as a result of the proposed rules.

14. Discuss any program, service, duty, or responsibility imposed upon any city, county, town, village, or school district by the rules.

There are no anticipated or intended programs, services, duties, or responsibilities imposed on any city, town, village, or school district as a result of these proposed rules.

A. Describe any actions that governmental units must take to be in compliance with the rules. This section should include items such as record keeping and reporting requirements or changing operational practices.

There are no anticipated actions that a governmental unit must take to comply with the proposed rules.

15. Describe whether or not an appropriation to state or local governmental units has been made or a funding source provided for any additional expenditures associated with the proposed rules.

No appropriations have been made to any governmental units as a result of the proposed rules. No additional expenditures are anticipated or intended with the proposed rules.

16. In general, what impact will the rules have on rural areas?

The proposed rules impose requirements on individual licensees, so rural areas are not impacted by the rules. Even if a licensee's workplace is located in a rural area, the department could not exempt him or her from these requirements because it would create a disparity in the regulation of the profession.

A. Describe the types of public or private interests in rural areas that will be affected by the rules.

The proposed rules will not impact public or private interests in rural areas.

17. Do the proposed rules have any impact on the environment? If yes, please explain.

The proposed rules do not have any impact on the environment.

18. Describe whether and how the agency considered exempting small businesses from the proposed rules.

The department did not consider exempting small businesses because they are not impacted by the proposed rules.

19. If small businesses are not exempt, describe (a) the manner in which the agency reduced the economic impact of the proposed rules on small businesses, including a detailed recitation of the efforts of the agency to comply with the mandate to reduce the disproportionate impact of the rules upon small businesses as described below (in accordance with MCL 24.240(1)(a-d)), or (b) the reasons such a reduction was not lawful or feasible.

The rules cannot exempt small businesses because the rules do not directly regulate small businesses. The rules regulate individual licensees. Further, the Michigan Occupational Code requires landscape architects to be licensed.

A. Identify and estimate the number of small businesses affected by the proposed rules and the probable effect on small businesses.

There are approximately 674 landscape architects in Michigan.

A licensee may work in a small business. However, no matter what type of business environment the licensee works in, he or she will have to comply with the proposed rules. The rules do not impact small business differently because the impact is to the individual licensee only.

B. Describe how the agency established differing compliance or reporting requirements or timetables for small businesses under the rules after projecting the required reporting, record-keeping, and other administrative costs.

The agency did not establish separate compliance or reporting requirements for small businesses. The proposed rules will apply to all landscape architect licensees. The rules were drafted to be the least burdensome on all affected licensees.

C. Describe how the agency consolidated or simplified the compliance and reporting requirements for small businesses and identify the skills necessary to comply with the reporting requirements.

The agency did not consolidate or simplify compliance and reporting requirements for small businesses with the proposed rules because the proposed rules do not impact small businesses.

D. Describe how the agency established performance standards to replace design or operation standards required by the proposed rules.

The agency did not establish performance standards to replace design or operation standards required by these rules.

20. Identify any disproportionate impact the proposed rules may have on small businesses because of their size or geographic location.

The proposed rules do not impact small business. They impact an individual licensee. Therefore, there is no disproportionate impact on a small business because of its size or geographic location.

21. Identify the nature of any report and the estimated cost of its preparation by small businesses required to comply with the proposed rules.

The proposed rules affect individuals applying for licensure and renewal, regardless if they practice in a small business. There is no separate cost to a small business.

22. Analyze the costs of compliance for all small businesses affected by the proposed rules, including costs of equipment, supplies, labor, and increased administrative costs.

There are no expected costs for equipment, supplies, labor, or administrative costs that a small business would incur in complying with the proposed rules.

The rules impact licensees and not small businesses.

23. Identify the nature and estimated cost of any legal, consulting, or accounting services that small businesses would incur in complying with the proposed rules.

There are no expected costs for legal, consulting, or accounting services that a small business would incur in complying with the proposed rules.

24. Estimate the ability of small businesses to absorb the costs without suffering economic harm and without adversely affecting competition in the marketplace.

There are no expected costs to a small business that will cause economic harm to a small business or the marketplace as a result of the proposed rules.

25. Estimate the cost, if any, to the agency of administering or enforcing a rule that exempts or sets lesser standards for compliance by small businesses.

The proposed rules impose requirements on individual licensees rather than a small business. Even if a licensee's practice qualifies as a small business, the department could not exempt his or her business because it would create disparity in the regulation of the profession.

Therefore, there is no cost to the agency for administering or enforcing the rules because exempting or setting lesser standards of compliance for a small business is not in the best interest of the public.

26. Identify the impact on the public interest of exempting or setting lesser standards of compliance for small businesses.

The proposed rules impose requirements on individual licensees rather than a small business. Even if a licensee's work qualifies as a small business, the department could not exempt his or her business because it would create a disparity in the regulation of the profession. Therefore, exempting or setting lesser standards of compliance for a small business is not in the best interest of the public.

27. Describe whether and how the agency has involved small businesses in the development of the proposed rules.

The department worked with an ad hoc committee in the development of the proposed rules. The committee was composed of landscape architects and public members.

A. If small businesses were involved in the development of the rules, please identify the business(es).

No small businesses were involved in the development of the rules.

28. Estimate the actual statewide compliance costs of the rule amendments on businesses or groups.

There are no estimated compliance costs with these rule amendments on businesses or groups.

A. Identify the businesses or groups who will be directly affected by, bear the cost of, or directly benefit from the proposed rules.

No businesses or groups will be directly affected or benefitted by the proposed rules. No additional costs will be imposed on any businesses or groups.

B. What additional costs will be imposed on businesses and other groups as a result of these proposed rules (i.e. new equipment, supplies, labor, accounting, or recordkeeping)? Please identify the types and number of businesses and groups. Be sure to quantify how each entity will be affected.

No additional costs will be imposed on any businesses or groups.

29. Estimate the actual statewide compliance costs of the proposed rules on individuals (regulated individuals or the public). Include the costs of education, training, application fees, examination fees, license fees, new equipment, supplies, labor, accounting, or recordkeeping.

The proposed rules will require an applicant for licensure to establish a CLARB Council Record. The fee to establish this record is \$160.00. This record is required by many states in the Great Lakes region. It provides a verified history of the applicant's education, experience, examination, licensure history, and certification. The CLARB Council Record requirement ensures that the applicant demonstrated a minimum level of competence to safely practice as a landscape architect. This requirement was recommended by the ad hoc committee.

The proposed rules also eliminate alternate testing options for the applicant. The nationally recognized examination, LARE, the ad hoc committee recommended that only this examination be approved to ensure that the applicant can demonstrate the minimum competence to safely practice. The 4-part examination costs \$1,870.

Additionally, the proposed rules will require an applicant for renewal to have completed continuing education, as required by MCL 339.2205. The cost to complete the required continuing education varies. Some activities approved for the accumulation of continuing education are free.

A. How many and what category of individuals will be affected by the rules?

All licensees and applicants are affected by the proposed rules.

B. What qualitative and quantitative impact do the proposed changes in rules have on these individuals?

The cost to establish a CLARB Council Record is \$160. The cost to accumulate continuing education for license renewal varies; there are approved activities for the accumulation of continuing education credits that are free. The only approved examination costs \$1,870.

30. Quantify any cost reductions to businesses, individuals, groups of individuals, or governmental units as a result of the proposed rules.

There are no cost reductions to businesses, individuals, groups of individuals, or governmental units as a result of the proposed rules.

31. Estimate the primary and direct benefits and any secondary or indirect benefits of the proposed rules. Please provide both quantitative and qualitative information, as well as your assumptions.

The proposed rules use clear, concise language, and implement the statutory requirements for licensing. The clear, concise language allows the public, applicants, and licensees to better understand the requirements for licensure and renewal.

Additionally, the people of Michigan will benefit by requiring an applicant for licensure to meet the nationally recognized standard for landscape architects by establishing a CLARB Council Record. The requirement that the licensee complete continuing education for license renewal will benefit Michigan citizens by ensuring that the licensee is up-to-date in his or her knowledge and skills.

32. Explain how the proposed rules will impact business growth and job creation (or elimination) in Michigan.

The rules are not expected to have an impact on business growth, job creation, or job elimination in Michigan.

33. Identify any individuals or businesses who will be disproportionately affected by the rules as a result of their industrial sector, segment of the public, business size, or geographic location.

The department does not expect any individuals or businesses to be disproportionately impacted by the rules as a result of their industrial sector, segment of the public, business size, or geographic location.

34. Identify the sources the agency relied upon in compiling the regulatory impact statement, including the methodology utilized in determining the existence and extent of the impact of the proposed rules and a cost-benefit analysis of the proposed rules.

Illinois: <https://www.idfpr.com/profs/LandScapeArch.asp>

Indiana: <http://iga.in.gov/legislative/laws/2020/ic/titles/025#25-4-2>; <http://iac.iga.in.gov/iac//T08040/A00011.PDF?>

Kentucky: <https://apps.legislature.ky.gov/law/statutes/chapter.aspx?id=38852>;
<https://apps.legislature.ky.gov/law/kar/TITLE201.HTM>

Minnesota: <https://www.revisor.mn.gov/statutes/cite/326>;
<https://www.revisor.mn.gov/rules/1800/full>

New York: <http://www.op.nysed.gov/prof/larch/article148.htm>; <http://www.op.nysed.gov/prof/larch/part79-1.htm>

Ohio: <http://codes.ohio.gov/orc/4703.30>; <http://codes.ohio.gov/oac/4703%3A1>

Pennsylvania: <http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/049/chapter15/chap15toc.html&d=>;
<https://www.dos.pa.gov/ProfessionalLicensing/BoardsCommissions/LandscapeArchitects/Documents/Board%20Documents/Law.pdf>

Wisconsin: <https://dsps.wi.gov/Pages/RulesStatutes/AE.aspx>;
https://docs.legis.wisconsin.gov/code/admin_code/a_e/9.pdf

Council of Landscape Architectural Registration Boards: <https://www.clarb.org/take-the-exam/view-exam-dates-deadlines-and-fees>; <https://www.clarb.org/home/council-record-fees>

Landscape Architecture Continuing Education System: <https://laces.asla.org/>

A. How were estimates made, and what were your assumptions? Include internal and external sources, published reports, information provided by associations or organizations, etc., which demonstrate a need for the proposed rules.

Since the rules are required by statute, no estimates were made.

35. Identify any reasonable alternatives to the proposed rules that would achieve the same or similar goals.

Since the rules are required by statute, there are no reasonable alternatives to the proposed rules.

A. Please include any statutory amendments that may be necessary to achieve such alternatives.

Since the rules are required by statute, a statutory change would be needed to provide an alternative.

36. Discuss the feasibility of establishing a regulatory program similar to that proposed in the rules that would operate through private market-based mechanisms. Please include a discussion of private market-based systems utilized by other states.

Since the rules are required by statute, private market-based systems cannot serve as an alternative. The licensing or registration of landscape architects are state functions, and states regulate landscape architects by statute, regulation, or both. Private market-based systems are not used for licensing and regulation.

There are professional organizations that establish criteria for membership, but these organizations would provide the public with significantly less protection because membership in many of these organizations is voluntary. This means an individual who meets the membership requirements but does not join one of the professional organizations would be able to practice, and there would be no way to ensure their competency or hold them accountable.

36. Discuss the feasibility of establishing a regulatory program similar to that proposed in the rules that would operate through private market-based mechanisms. Please include a discussion of private market-based systems utilized by other states.

Since the rules are specifically required by statute, there are no alternatives to the proposed rules that the agency could consider. The rules are necessary for the administration and enforcement of the licensing process.

38. As required by MCL 24.245b(1)(c), please describe any instructions regarding the method of complying with the rules, if applicable.

The instructions for compliance are included in the rules.